

Serial No.: 09/965,514

Attorney's Docket No.:10559/526001/P12446

REMARKS

Claims 1-29 are pending, with claims 1, 8, 13, 18 and 23 being independent. Claim 3 has been cancelled by this amendment without prejudice. Claims 1, 8, 13, 18 and 23 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 8, 9, 11, 13, 15, 18 and 19 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Sawada et al. (US Patent 2002/0016858). Claims 1-7, 10, 12, 14, 16, 17 and 20-29 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sawada et al. These contentions are respectfully traversed.

Sawada is directed to a packet communications apparatus that allows a network administrator to restrict access to particular source addresses for the purposes of security. In contrast with the source-based filtering solution for security of Sawada, the present application is directed to filtering of packets with non-forwarding destination addresses. The independent claims have been amended to clarify the claimed subject matter. In particular, the claims now clearly state that a routing data structure is used to effect destination address filtering, where packets are dropped if they contain a predetermined non-forwarding destination address. Such non-forwarding address are destination addresses that are invalid for packets traveling between networks (e.g., deprecated broadcast addresses).

The claimed subject matter allows incorporation of address error checks into a forwarding table, which is a non-obvious usage of a forwarding table that Sawada neither teaches nor suggests. Sawada does not drop packets based on a predetermined

Serial No.: 09/965,514

Attorney's Docket No.:10559/526001/P12446

non-forwarding destination address, but rather forwards packets based on a registered destination address and a check for a specific source address. (See Sawada at ¶s 21 and 116, and Fig. 12.) The clear focus in Sawada is on filtering source addresses, not destination address.

Thus, independent claims 1, 8, 13, 18 and 23 are now in condition for allowance. Dependent claims 2-7, 9-12, 14-17, 19-22 and 24-29 are patentable based on the above arguments and the additional recitations they contain. For example, claims 7, 12, 16, 22, 28 and 29 are patentable because Sawada fails to teach or suggest filtering one or more deprecated directed broadcast addresses as claimed. The Official Action acknowledges that Sawada does not teach a filtering table comprising a deprecated directed broadcast address, but then suggests that such would be obvious, without any evidence.

A prima facie case of obviousness has not been established because (1) no suggestion or motivation to extend the teachings of Sawada has been identified and (2) no description of how the asserted extension of Sawada could be implemented with a reasonable expectation of success has been provided. In fact, it is not obvious that one could use Sawada to implement deprecated directed broadcast address filtering because such would likely require many unrealistic steps of modification to Sawada. Moreover, attention is called to In re Lee, 277 F.3d 1338 (Fed. Cir. 2002), in which the Federal Circuit vacated a Patent Office Board affirmance of an obviousness rejection because, rather than relying on objective evidence, the Patent Office based its obviousness rejection on conclusory statements having no evidentiary support in the record. Id. at 1342-43. In doing so, the Federal Circuit made it abundantly clear that "subjective belief and unknown authority" and "[assertions of]

Serial No.: 09/965,514

Attorney's Docket No.:10559/526001/P12446

common knowledge and common sense" are not "a substitute for evidence." Id. at 1343-44.


It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply the two-month, \$450 extension of time fee, and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: November 15, 2005

  
William E. Hunter  
Reg. No. 47,671  
Attorney for Intel Corporation

PTO Customer Number:20985  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10529131.doc